THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11861 of 2007

Date: 15.06.2007

Between:

Koppaka Suryanarayana and another.

....Petitioners

And

The sub-registrar and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11861 of 2007

O R D E R:

The petitioners presented an agreement of sale-cum-General Power of Attorney before the first respondent for registration. It was kept pending and assigned a number being P.339/2006. The petitioners state that though there is no legal or factual impediment in admitting the document for registration, the first respondent has not taken any steps so far. They seek directions to the respondents, for release of the document.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

On receiving the document, the first respondent appears to have entertained some doubt, about its admissibility to registration. He assigned a pending number. Thereafter, he did not initiate any steps, be it, under Section 47-A of the Indian Stamp Act or any other provision. The doubt expressed by the first respondent appears to be that the land belongs to Government. The record does not disclose that the first respondent had

issued any proceedings stating that the land is an assigned one. Even assuming that there existed any notification under Section 22-A of the Registration Act, it cannot constitute the basis, in view of the Judgment of the Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

For the foregoing reasons, the Writ Petition is disposed of, directing the first respondent to release the document, on satisfying himself as to the compliance with the provisions of the Indian Stamp Act and the Registration Act, within (10) ten days from the date of receipt of a copy of this order. There shall be no order as to costs.

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15.06.2007

Note: Issue C.C. in one week.

(B/o)

JSU

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77